

Memorandum of Understanding

Between

Wisconsin Division of Vocational Rehabilitation
Department of Workforce Development

And

Client Assistance Program
Department of Agriculture, Trade, and
Consumer Protection

January 1, 2006

The Rehabilitation Act authorizes both the state Division of Vocational Rehabilitation (DVR) program and the Client Assistance Program (CAP) under Title I of the act. Not only are both programs authorized under the same title of the same act, but the purpose of both programs is very similar.

The purpose of CAP (section 112 of the Rehabilitation Act) is:

to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist and advocate for such clients or applicants in their relationships with projects, programs, and services provided under this Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs. In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

The purpose of DVR (section 100 of the Rehabilitation Act) is:

to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for and engage in gainful employment.

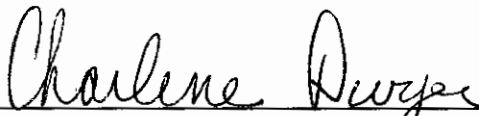
The two programs share the overall mission of Title I of the Rehabilitation Act and are complementary.

Therefore, it is in the best interest of both programs and the shared consumers who are receiving services from each to cooperate and assist each other in obtaining timely and meaningful resolutions to disagreements between consumers and DVR. The purpose of this memorandum of understanding is to facilitate that cooperation by outlining the steps each agency may engage in during their interactions and to spell out the restrictions under which DVR must operate as the custodian of confidential consumer records.

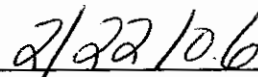
The purpose of this MOU is to provide a tool to CAP staff, DVR staff, and consumers which will facilitate understanding of the complexities of the issues surrounding confidentiality and to, therefore, facilitate resolution of disputes which may impede advancement of IPE's toward obtaining the employment outcome appropriate for the consumer.

CAP and DVR agree to work cooperatively in administration of this MOU to advance their common missions so that their shared consumers will receive the best possible services from each agency.

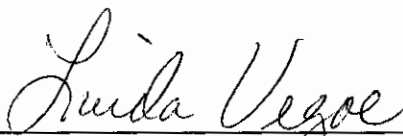
This memorandum will be in effect until June 30, 2008 or until revoked by one of the signatories, whichever comes first.



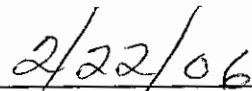
Charlene Dwyer, Administrator
Division of Vocational Rehabilitation



Date



Linda Vegoe, Director
Client Assistance Program



Date

Appendix 1
**When DVR Staff May Release Information
Without Having a Signed Release**

Criminal Investigation - Public safety officials can be given access to records on a need to know basis without the prior knowledge or consent of the subject if the request is part of specific criminal investigations.

Child Support Investigation - S. 46.25 (2M), WI Statutes, requires disclosure of personal information including employment information to the Child Support Program without prior notice or consent of the subject of a record.

Public Safety - In most cases, personal information may be disclosed without the prior knowledge or consent of the subject of the record to protect an individual from harming themselves by their own actions, to protect public safety, or to protect specific individuals (34 CFR 361.38, Code of Federal Regulations and s. DWD 68, WI. Administrative Code).

To Report Child Abuse or Neglect - In addition to the provisions for protection of public safety, s. 49.981, WI. Statutes. requires professional medical and human services workers, under certain conditions, to report suspected child abuse. Reporting is mandatory if a vocational rehabilitation counselor see the abused or neglected child during the course of a counselor's professional duties.

To Report Elder Abuse or Neglect - The Wisconsin Elder Abuse Law defines four categories of elder abuse, physical abuse, material abuse, neglect, or self-neglect (s 46.90, WI Statutes). While mandatory reporting is not required, if a professional counselor becomes aware of an abuse or neglect situation, a voluntary report may be made to the Wisconsin Elder Reporting System.

In response to a valid court order - s. 146.82(2)4.

For program monitoring purposes - If DVR is audited, the auditors have access to confidential information. Personally identifying information will not appear, however, in any reports prepared (DWD 68.02(5)(c), DWD 68.04(1).)

Appendix 2

Components Which Must Be Present for a Release to Be Valid

Make sure that the authorization for release has all of the required components:

- ☐ The name of the patient whose record is being disclosed.
- ☐ The type of information to be disclosed.
- ☐ The types of health care providers (DVR) making the disclosure.
- ☐ The purpose of the disclosure such as whether the disclosure is for further medical care, for an application for insurance, to obtain payment of an insurance claim, for a disability determination, for a vocational rehabilitation evaluation, for a legal investigation or for other specified purposes.
- ☐ The individual, agency or organization to which disclosure may be made.
- ☐ The signature of the patient or the person authorized by the patient and, if signed by a person authorized by the patient, the relationship of that person to the patient or the authority of the person.
- ☐ The date on which the consent is signed.
- ☐ The time period during which the consent is effective.

A fax or a photocopy is acceptable as a signed release even though the signature is not the original.

If there is a suspicion that the release has been tampered with or altered after the consumer signed it, then the release should be rejected and a new release requested.

Appendix 3

Information Which May Not Be Released Even With a Signed Release

- Information stamped not to be re-released.
- Information from the Social Security Administration.
- Information from the Veteran's Administration.

Appendix 4

Information Which May Not Be Released Even With a Signed Release Unless the Release Specifically Indicates this Type of Information

Please note – if the release is for all file materials, the following information may not be released. It may only be released if the release specifically says AIDS/HIV information, etc. as the information being requested. If the release has preprinted check boxes and all of the boxes are checked, that does not constitute a valid request for the following information.

- That a genetics test has been performed or its results.
- Treatment information for victims of domestic abuse and/or sexual assault.
- Information about diagnosis or treatment of sexually transmitted diseases.
- Information about alcoholism.
- Information about brain injury.
- Information about drug abuse/dependence.
- Information about chronic mental illness.
- Information about developmental disabilities.
- Information about HIV/AIDS.
- Information about sickle cell anemia.